



STATE OF INDIANA

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April 23, 2015

Ms. Carole S. Carlson
1467 Lincoln St.
Hobart, IN 46342

Re: Formal Complaint 15-FC-102; Alleged Violation of the Access to Public Records Act ("APRA") by the Gary Community School Corporation

Dear Ms. Carlson,

This advisory opinion is in response to your formal complaint alleging the Gary Community School Corporation ("School") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The School has not responded to your request despite an invitation to do so on March 23, 2015. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on March 18, 2015.

BACKGROUND

Your complaint dated March 18, 2015 alleges the Gary Community School Corporation violated the Access to Public Records Act by not producing requested records in violation of Ind. Code § 5-14-3-3.

On February 24, 2015, the School Board held a meeting and approved a personnel reduction. You orally requested the names of the personnel who were affected but were denied. On March 11, 2015, you submitted a written public records request to the School seeking the names. The School has not responded to your formal complaint.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Gary Community School Corporation is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the School's public records during regular business hours unless

the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

A request for records may be oral or written. See Ind. Code § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. See Ind. Code § 5-14-3-9(a). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. See Ind. Code § 5-14-3-9(b). A response from the public agency could be an acknowledgement the request has been received and information regarding how or when the agency intends to comply.

To the extent a list exists with the names of the individuals about whom the personnel reduction affected, you would be entitled to such a list. A staffing report or a dismissal report would be subject to disclosure. I do not have enough information to determine if such a list exists. Without the benefit of a response from the School, my determination is that they should fulfill your request.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor